

### **REMARKS/ARGUMENTS**

Reconsideration of the present application, as amended, is respectfully requested.

Claims 1-4, 8-11 and 17-20 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application No. 2003/0074449, published April 17, 2003, R. Smith *et al.*, inventors in view of U.S. Patent Application No. 2002/0004842, published January 10, 2002, K. Ghose *et al.*, inventors. Claims 5-7, 12-16 and 21-23 were rejected under 35 U.S.C. §103(a) as being obvious over the combination of the Smith and Ghose patent applications in view of U.S. Patent Application No. 2003/0185223, published October 2, 2003, M. Tate *et al.*, inventors.

“Regarding claims 1, 8, and 17 Smith discloses, in Figs. 3-5, a method for...

However, Smith does not disclose a flow control based on the number of bytes available in the remote transport interface buffer.

Ghose teaches buffer-to-buffer credits for implementing flow control based on the number of bytes received successfully (page 4, 0055-0057) and tracking the number of bytes of GFP-encapsulated client data frames in transit from the local transport interface to the remote transport interface (0057-0062).

It would have been obvious to one [of] ordinary skill in the art at the time the invention was made to use the teaching from Ghose of a flow control based on the number of bytes to the frame based protocol networks disclosed by Smith. One would be motivated to do this because a flow control based on bytes would greatly improved [sic] end-to-end latency and implement reliable delivery (0054).”

The applicants respectfully disagree. No explanation is given as to why the Ghose patent which teaches a transport system for Local Area Networks (LANs) (see col. 5, paragraph 0081) is to be combined with the long haul SONET/SDH networks in the manner suggested by the Examiner. These are different types of networks with different requirements.

However, to better point the differences between the cited prior art and the present invention, the applicants have amended independent claims 1, 8 and 17. Claim 1, for example,

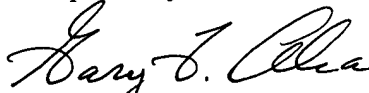
now reads, "...transmitting more GFP-encapsulated client data frames responsive to said information of said number of bytes available in said remote transport interface buffer and said number of bytes in transit from said local transport interface to said remote transport interface to maximize usage of, without overfilling, said buffer without consideration of loss or corruption of encapsulated client data frames so that said SONET/SDH transport network from said local transport interface to said remote transport interface is efficient utilized (underlining added)." See the last paragraph on page 12 and continuing on to page 13 of the applicants' specification. Claims 8 and 17 have been amended similarly.

On the other hand, the cited Ghose patent teaches the use of NAKs (Negative Acknowledgements) to handle loss or corruption of packets in its TCP/IP-based network protocol. "Unlike these systems, the present invention uses a credit mechanism for end-to-end flow control. Additionally, NAKs are used to indicate the necessary retransmission of lost or corrupted packets, while credits provide implicit acknowledgements." Page 3, paragraph 0053.

Hence independent claims 1, 8 and 17 are patentably distinguishable over the cited prior art and it should be evident that these claims should be allowed. Dependent claims 2-7, 9-16 and 18-23 should also be allowed for at least being dependent upon allowable base claims.

Therefore, the applicants request that all rejections be removed, that claims 1-23 be allowed, and the case be passed to issue. If a telephone conference would in any way expedite the prosecution of the application, the Examiner is asked to call the undersigned at (408) 446-7687.

Respectfully submitted,



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